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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,409	11/11/2006	Griff Michael Morris	DNAH0101PUSA	9420
22045 7590 11/17/2008 BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			EXAMINER MCLEARN, STEPHANIE D	
			ART UNIT 4157	PAPER NUMBER
			MAIL DATE 11/17/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/552,409	Applicant(s) MORRIS, GRIFF MICHAEL	
	Examiner STEPHANIE MCLAREN	Art Unit 4157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/31/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because current drawings do not show "one or more storage zones" accommodated by the door, nor do they show said storage zones being closed by a cover capable of being opened means or said storage zones being accessible by passageways through the door. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-11 & 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Powell (1,922,456).

With regards to claim 1, Powell discloses: a refrigerated cabinet comprising a storage space having a front opening through which access is gained to the space (pg. 1, line 60-66), the space including a zone subdivided into at least one compartment,

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each compartment adapted to be occupied by a drawer (pg. 1, line 69-72), each drawer being moveable within the compartment from a retracted position at which it is accommodated within the compartment and an extended position at which it extends forwardly from the zone (pg. 1, line 86-90), and whereby the interior of the drawer is accessible from an upper portion of the drawer (see fig. 9), the cabinet further comprising cooling means wherein when the drawer is in the retracted position, the cooling means is in communication with the drawer and when the drawer is in an extended position the cooling means is isolated from the compartment by isolation means (pg. 1 line 105 – pg. 2 line 21)

With regards to claim 2, Powell discloses: wherein a portion of the compartment is associated with a closure (19, 20, 21, 22 & 23), said closure being moveable between an open position and a closed position (see fig. 1, fig. 3) wherein when the drawer is in its retracted position the closure is moved to the opened position to provide said communication with the drawer and when the drawer is in its extended position the closure is in its closed position to thereby isolate the compartment from the cooling means (pg. 2, line 5-21).

With regards to claim 3, Powell discloses: wherein said cooling means comprises a plenum formed between the walls of the storage space and the at least one compartment said communication being between the plenum and the at least one compartment (pg. 1 line 110 - pg. 2 line 4).

With regards to claim 4, Powell discloses: wherein the closure comprises at least a portion of the rear wall of the drawer and the plenum is located between the rear wall of the drawer and the face of the rear walls of the at least one compartment (pg. 2, line 16-21).

With regards to claim 5, Powell discloses: wherein the plenum is defined by a wall of the storage space and an opposed wall, said opposed wall being provided with a set of closures (19, 20, 21, 22, 23), each compartment being associated with at least one closure (see fig. 1), each closure being moveable between a closed position and an open position wherein when a drawer is in the retracted position it cooperates to move the at least one respective closure to the open position to provide said communication and when said drawer is moved from the retracted position the respective at least one closure is closed to prevent said communication (see fig. 3, pg. 1 line 110 - pg. 2 line 21).

With regards to claim 6, Powell discloses: wherein at least a portion of the upper face of the compartment is open (see fig. 9).

With regards to claim 7, Powell discloses: wherein the portion of the upper face communicates with the source when the drawer is in the retracted position (to some extent, see fig. 1).

With regards to claim 8, Powell discloses: wherein the front opening of the at least one compartment sealingly cooperates with the front opening when the drawer is in the retracted position (pg. 1, line 90-96).

With regards to claim 9, Powell discloses: wherein a plurality of compartments are accommodated within the zone (pg. 1, line 86).

With regards to claim 10, Powell discloses: wherein the compartments are supported in a vertical array (see fig. 1).

With regards to claim 11, Powell discloses: wherein the front opening is associated with a door which controls said access (pg. 1, line 65-66).

With regards to claim 16, Powell discloses: wherein the isolation means is associated with the compartment (pg. 2, line 5-15).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powell in view of Mandel et al. (6,170,276).

With regards to claim 12, Powell discloses the claimed invention as recited above; however, fails to disclose: wherein the door accommodates one or more storage zones, the space defined between the door and front opening communicating with the remainder of the space.

Mandel teaches: wherein the door accommodates one or more storage zones (15), the space defined between the door and front opening communicating with the remainder of the space (see fig. 1).

It would have been obvious to one having ordinary skill in the art to add door storage spaces as shown in Mandel to the refrigerator concept of Powell to allow for storage of items which must be kept upright during refrigeration. Such compartments are a common feature in upright refrigerators and well known in the art.

With regards to claim 13, Mandel discloses: wherein the storage zones are closed by a closure which is capable of being opened wherein the interior of the storage zones communicate with the storage space (see fig. 1, closure capable of being opened over 15, dairy compartment).

With regards to claim 14, Mandel discloses: wherein the communication between the remainder of the space and the space defined between the door and front opening

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and/or storage zones is through passageways provided in the door (passage way provided by cover over dairy compartment 15, see fig. 1).

6. Claims 15 & 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powell in view of Wyeth.

With regards to claim 15, Powell fails to disclose: wherein the isolation means is associated with the cooling means. Wyeth teaches wherein the isolation means is associated with the cooling means (col. 2, line 38-47).

It would have been obvious to one having ordinary skill in the art, that in addition to the isolation means being associated with the drawers (storage means) as shown in Powell, it could also be associated with the cool air inlet (cooling means). In particular, for a system with a central refrigeration means, setting the isolation means to the cool air inlet for each partition means the extra air gets diverted to the other compartments, resulting in increased cooling efficiency. I also allows for a portion or portions of such a system to be removed completely from the refrigeration circuit at a minimum of labor. Wyeth teaches to combination of an additional chamber to an existing refrigeration circuit (col. 2, line 38-43), and shows the advantage of an isolation means associated with the cooling means in such a system.

With regards to claim 17, Wyeth discloses: wherein the cooling means comprises a duct element (22) adapted to convey chilled air and the isolation means comprises a

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valve (23) associated with said duct element, and the drawer comprises a means operative to open said valve when the drawer is in the retracted position and the valve comprises means to close said valve when the drawer is not in the retracted position (col. 2, line 38-47).

With regards to claim 18, Wyeth discloses: wherein the cooling means is provided to each refrigerated cabinet from a common cooling source (col. 2, line 38-47).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to expand the usable range of the refrigerator as shown in Powell by adding a second chamber or chambers depending from the same refrigeration source but not integral to the main body as shown in Wyeth. Wyeth teaches the use of such a chamber for the storage of items such as fruits and vegetables that require cooling, but not to the extent of meats or cheeses (col. 1, line 1-6, col. 2, line 38-43). Such a chamber removes what can be large bulky items from the main body of the refrigerator, leaving room for more sensitive items. It also reduces the number of power-hungry compressors required to effectively cool multiple chambers or destinations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEPHANIE MCLAREN whose telephone number is (571)270-7127. The examiner can normally be reached on Monday - Friday 7:30 - 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marvin Lateef can be reached on (571) 272-5026. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SDM/

11/05/08

/Zelalem Eshete/

Primary Examiner, Art Unit 3748